

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA

No. 5:08-CR-00389-D-2

UNITED STATES OF AMERICA)
Plaintiff,)
)
v.)
)
WINSTON MENDEZ-COLON)
Defendant.)
_____)

MOTION TO DETERMINE COMPETENCY OF THE DEFENDANT

Pursuant to 18 U.S.C. § 4241, counsel for the defendant hereby files this motion for a determination of the mental competency of the defendant to stand trial. Counsel states there is reasonable cause to believe that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Counsel for the Government does not object to this motion.

In her August 24, 2007 letter to the U.S. District Court of Puerto Rico, Warden Rebecca Tamez concluded that the defendant was incompetent to stand trial. Counsel will deliver a copy of this letter and report to the court.

For these reasons, counsel requests that the Court order that a psychiatric and/or psychological evaluation of the defendant be conducted, and that such report be filed with the Court pursuant to 18 U.S.C. § 4247.

The ends of justice served by this motion outweigh the interests of the public and the defendant in a speedy trial.

Respectfully submitted this 23rd day of July, 2009.

/s/ Andrew McCoppin
ANDREW MCCOPPIN
Attorney for the Defendant
McCoppin & Associates Attorneys at Law, P.A.
Post Office Box 2884,
Raleigh, NC 27602
Telephone: 919-516-3622
Fax: 919-461-4949
Email: andrew@mccoppinlaw.com
California State Bar No. 175242
North Carolina State Bar No. 27125
CJA – Appointed Counsel

CERTIFICATE OF SERVICE

Today, I served a copy of the foregoing upon the United States by electronic filing with CM/ECF to the person identified below:

Ms. YVONNE V. WATFORD-MCKINNEY, Assistant for
The United States Attorney for the
Eastern District of North Carolina
310 New Bern Avenue
Suite 800 Federal Building
Raleigh, NC 27601-1461

Respectfully submitted this 23rd day of July, 2009.

/s/ Andrew McCoppin
ANDREW MCCOPPIN
Attorney for the Defendant
McCoppin & Associates Attorneys at Law, P.A.
Post Office Box 2884,
Raleigh, NC 27602
Telephone: 919-516-3622
Fax: 919-461-4949
Email: andrew@mccoppinlaw.com
California State Bar No. 175242
North Carolina State Bar No. 27125
CJA – Appointed Counsel